



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,275	06/05/2001	Kiyoko Hayashi	1907-0198P	6028

2292 7590 07/15/2004

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

WOZNIAK, JAMES S

ART UNIT PAPER NUMBER

2655

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,275

Applicant(s)

HAYASHI, KIYOKO

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

***Response to Amendment***

1. In response to the office action from 2/23/2004, the applicant has submitted an amendment, filed 5/24/2004, amending Claims 2, 4, 7, and 9 without adding new matter, while arguing to traverse the art rejection based on the limitation regarding inserting character information into a mail text that is used to select a voice for speech synthesis (*Amendment, Pages 8-9*). Applicant's arguments have been fully considered, however, are moot due to the new grounds for rejection based on Saito (*USPTO Translation of JP 04-175049, July 2004*), given below.

2. Based on the amendments to the claims, the examiner has withdrawn the previous objections directed towards minor informalities.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claims 2 and 7**, the phrase "and so on" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "and so on"), thereby rendering the scope of the claim(s) unascertainable.

See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 6-8, and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (*USPTO Translation of JP 04-175049*).

With respect to **Claim 6**, Saito discloses:

An electronic mail device having a communication unit for sending and receiving an e-mail and a voice synthesis control portion for controlling voice synthesis, wherein the mail device comprises:

Inserting function for inserting character setting information, which specifies a character at the time of vocally reproducing the mail text, as a text letter string in the mail text (*character code strings inserted into an email text, Page 5*);

Reading out function for connecting with a server sharing the character setting information as shared data (*connecting to a host computer for email transmission, Pages 4-5*);  
and

Referring to the character setting information corresponding to the text letter string inserted in the mail text (*analyzing an inserted character string before synthesis, Page 5*); and

Reading out the e-mail in the character voice synthesized in the voice synthesis control portion based on the referred character setting information (*synthesis of an email in a voice indicated by a character code string, Page 5*).

With respect to **Claim 7**, Saito discloses:

The character setting information is defined in detail by detailed character setting information including voice quality such as voice height, deepness, or reading speed (*talking rate, Page 5*).

With respect to **Claim 8**, Saito discloses:

Mail device separates the detailed character setting information from the mail text, stores said information in a detailed character setting information storing portion and, in a stage of having detected a text letter string of character setting information in the mail text, reads the detailed character setting information from the storing portion and vocally reproduces the mail text based on the detailed character setting information (*character string analysis section, which examines only the character code string portion of a mail text, Page 6, that would inherently require that the character string be stored at least temporarily to perform the analysis, and speech synthesis according to the inserted character string, Pages 6-7*).

**Claim 11** contains subject matter similar to Claim 6, and thus, is rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (*U.S. Patent: 6,411,931*) in view of Saito.

With respect to **Claim 1**, Yamada discloses:

An electronic mail device capable of vocally reproducing an electronic mail text, comprising:

A communication unit for sending and receiving an electronic mail (*electronic mail system that transmits and receives data over a communications network, Col. 3, Line 66- Col. 4, Line 4*);

A memory for storing an electronic mail text and data including character setting information (*storage unit in which the received character data is stored, Col. 4, Lines 13-14*);

An input portion for inputting letters (*method of text input via a keyboard, Col. 4, Lines 43-48*);

A display portion for displaying letters and images (*display unit, Col. 4, Lines 55-59*);

A voice synthesis control portion for controlling voice synthesis (*means for vocal synthesis through an audio converter, Col. 4, Lines 33-35*); and

A speaker (*output connected to a speaker for producing an audible sound, Col. 5, Lines 1-4*);

Yamada teaches neither character setting information included as a letter string within the mail text, nor text synthesis in a specified character's voice based on the character string information, however Saito discloses:

Wherein the mail device in a mode of vocally reproducing a received electronic mail text recognizes character setting information inserted as a text letter string in the mail text, refers to the character setting information and vocally reproduces the mail text by a specified character's voice synthesized based on the character setting information by the voice synthesis control unit (*synthesis of an email in a voice indicated by a character code string, Page 5*).

Yamada and Saito are analogous art because they are from a similar field of endeavor in speech synthesis. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to combine a character string within a text used to identify a particular synthesis setting as taught by Saito with the speech synthesis electronic mail system taught by Yamada in order to create a code within a mail text as a character string for identifying speech synthesis settings utilized within a email system featuring speech synthesis to improve the efficiency of synthesis setting processing and automatically perform speech synthesis of a mail text so that email contents can be heard effectively (*Saito, Page 4*). Therefore, it would have been obvious to combine Saito with Yamada for the benefit of obtaining an efficient and automatic speech synthesis method and system capable of audibly reproducing a mail text, to obtain the invention as specified in Claim 1.

With respect to **Claim 2**, Saito additionally discloses:

The character setting information is defined in detail by detailed character setting information including voice quality such as voice height, deepness, or reading speed (*talking rate, Page 5*).

With respect to **Claim 3**, Saito additionally discloses:

Mail device separates the detailed character setting information from the mail text, stores said information in a detailed character setting information storing portion and, in a stage of having detected a text letter string of character setting information in the mail text, reads the detailed character setting information from the storing portion and vocally reproduces the mail text based on the detailed character setting information (*character string analysis section, which examines only the character code string portion of a mail text, Page 6, that would inherently require that the character string be stored at least temporarily to perform the analysis, and speech synthesis according to the inserted character string, Pages 6-7*).

With respect to **Claim 4**, Yamada and Saito teach the speech synthesis method for audibly reproducing an email in a specified voice as applied to Claim 2. Neither Yamada nor Saito specifically suggest a predetermined format of character setting information attached to the end or beginning of a mail text, however it would have been obvious to one of ordinary skill in the art, at the time of invention, to include the format of character setting information at the beginning or end of a mail text, since the method of character string identification as taught by Saito and applied to Claim 1, is capable of identifying a character string associated with synthesis setting information anywhere within a mail text, which would include the predetermined character string location in the beginning of a mail text, for efficiency in selecting a voice for synthesis.



**Claim 5** contains subject matter similar to Claim 3, and thus, is rejected for the same reasons.

9. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito.

With respect to **Claim 9**, Saito teaches the speech synthesis method for audibly reproducing an email in a specified voice as applied to Claim 7. Saito does not specifically suggest a predetermined format of character setting information attached to the end or beginning of a mail text, however it would have been obvious to one of ordinary skill in the art, at the time of invention, to include the format of character setting information at the beginning or end of a mail text, since the method of character string identification as taught by Saito and applied to Claim 6, is capable of identifying a character string associated with synthesis setting information anywhere within a mail text, which would include the predetermined character string location in the beginning of a mail text, for efficiency in selecting a voice for synthesis..

With respect to **Claim 10**, Saito further discloses:

Mail device separates the detailed character setting information from the mail text, stores said information in a detailed character setting information storing portion and, in a stage of having detected a text letter string of character setting information in the mail text, reads the detailed character setting information from the storing portion and vocally reproduces the mail text based on the detailed character setting information (*character string analysis section, which examines only the character code string portion of a mail text, Page 6, that would inherently require that the character string be stored at least temporarily to perform the analysis, and speech synthesis according to the inserted character string, Pages 6-7*).

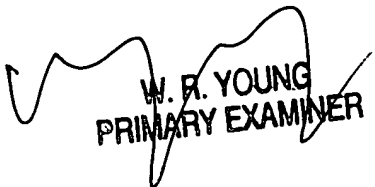
*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached at (703) 306-3011. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
7/8/2004

  
W. R. YOUNG  
PRIMARY EXAMINER